UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
42nd meeting
held on
Friday, 15 November 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

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91-57406 5281S (E)

Distr. GENERAL
A/C.3/46/SR.42
21 November 1991

ORIGINAL: ENGLISH

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 70, A/46/71-E/1991/9, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587, A/46/598-S/23166; A/C.3/46/L.25)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/46/3, chap. VI, sect. C), A/46/40, 46, 392-395, 490, 503, 618)

1. Mr. SLABY (Czechoslovakia) said that the system for monitoring compliance with human rights treaties should be based on assistance, not confrontation. The activities of certain treaty bodies had not achieved the required results, because of ill-defined agendas and duplication of the activities of other bodies. The monitoring bodies faced a crisis caused by overdue reports and non-compliance by States parties with their financial obligations. His delegation was deeply concerned about the shortage of funds that had led to the cancellation of a number of sessions of different treaty bodies, particularly the Committee on the Elimination of Racial Discrimination.

2. The solution was better coordination of the activities of the monitoring bodies, a clear definition of their mandates and strict compliance by States parties with their obligations. Information on the extent to which States parties carried out their reporting and financial obligations should be included in the reports on the status of international treaties submitted annually to the General Assembly. Those reports should contain a list of States with overdue reports and those in arrears in their financial contributions.

3. His Government had taken certain steps in the past year to strengthen the protection of human rights in Czechoslovakia. They included the adoption of the Constitutional Charter of Fundamental Human Rights and Freedoms, which incorporated international human rights standards into national law and would serve as the basis for the new Constitution being drafted. The newly created Constitutional Court monitored compliance with human rights legislation in the country. Czechoslovakia had recently acceded to the Optional Protocol to the International Covenant on Civil and Political Rights and had made a declaration recognizing the competence of the Human Rights Committee under article 41 of the Covenant.

4. Ms. AL-HAMAMI (Yemen) said that the recognition of equal rights, as proclaimed in the Charter of the United Nations, was fundamental to freedom, justice and peace in the world, and that such rights derived from human dignity. Furthermore, human rights were indivisible and should be observed impartially. On the question of torture, she said it was essential to observe

(Ms. Al-Hamami, Yemen)

article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which prohibited that practice. The Yemeni Constitution guaranteed equality before the law, the principle of punishment of criminal acts solely in accordance with the law and the principle of an accused person's innocence until proved guilty. It forbade the arrest, search or detention of persons on grounds of mere suspicion, trumped-up charges or untruthful reports; such acts were permissible only in the case of flagrante delicto or a court order, drawn up in accordance with the law. It also forbade the physical or mental torture of any person detained, the purpose of detention being reform rather than humiliation or revenge. Yemen was striving to achieve a democratic society which guaranteed its citizens basic human freedoms and dignity. It had recently acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. The international community was duty-bound to respond to the various forms of torture inflicted on the Palestinian people and the people of southern Africa. Torture could also take the form of deliberate starvation, as could be deduced from United Nations reports on the conditions of the women, children and elderly of Iraq under the embargo; one might well ask to what extent the Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children was being observed. All the children of the world should enjoy a healthy, wholesome existence. She called on the international community to work together to achieve the lofty humanitarian goals of the Third Committee.

6. Mr. MEZZALAMA (Italy) said that, since 1985, his delegation had expressed concern about the increasing difficulties in complying with reporting obligations under the human rights covenants. In spite of a number of initiatives taken to improve the mechanism for submitting reports, the situation remained unsatisfactory, and should be given thorough consideration.

7. He stressed the need to explore the possibility of streamlining and rationalizing reporting procedures, and of submitting consolidated reports when appropriate. That would help to alleviate the difficulties encountered by States parties in carrying out their reporting obligations and to enhance the efficiency of the treaty-monitoring bodies. Those bodies would have an opportunity to improve their methods of work and to explore new procedures or adapt existing ones. Effective monitoring of certain situations was hard to ensure under the current practice, based on rigid periodicity rules. Although his delegation appreciated the steps already taken by the treaty bodies to improve their procedures, it felt that they should be encouraged to do more within the limits of their mandates. Special attention should also be given to publicizing the work of the treaty bodies. The format and presentation of their annual reports should be changed in order to make them more accessible to the public at large. The 1993 World Conference on Human Rights might provide the first opportunity for thoroughly considering all those issues.

(Mr. Mezzalama, Italy)

8. His delegation welcomed the Secretary-General's report on effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments (A/46/503), where computerization was singled out as a means for ensuring more rational functioning of the United Nations system in the field of human rights. Italy noted with satisfaction that the Secretary-General intended to invite Member States to make voluntary contributions to cover the installation cost of the computerized database that was to be established to improve the efficiency and effectiveness of the treaty bodies. He hoped that a generous response to that invitation would make it possible to achieve decisive progress towards quality and efficiency in that field.

9. Mr. SZYMANSKI (Poland) said that the observance of human rights was an essential principle of his country's domestic and foreign policy. The United Nations must continue to play a fundamental role in promoting and protecting those rights. No effort should be spared to eliminate the existing economic disparities in various parts of the world, which had a disrupting effect on the observance of human rights. A democratic system based on free elections and the rule of law created the institutional framework for the implementation of those rights. That question should be given a more prominent place in the organizational framework of the General Assembly itself.

10. Poland sought to strengthen the international system for protecting human rights and was committed to carrying out all its international obligations in that field. The argument that monitoring the implementation of human rights instruments constituted interference in internal affairs could not be invoked when there were mass violations of human rights. In that respect, Poland fully shared the view expressed by the Secretary-General in his report on the work of the Organization (A/45/1) and stressed the role of the international treaty bodies in making compliance with human rights standards an everyday reality.

11. Poland had taken a number of steps to broaden its international commitments in the field of human rights, including ratification of the Optional Protocol to the International Covenant on Civil and Political Rights and acceptance of the provisions of article 41 of the Covenant. His Government stressed the need to ensure universal accession to existing human rights instruments. Further consideration should also be given to possibilities for expanding and enhancing humanitarian cooperation. In particular, institutional mechanisms were needed to safeguard respect for the standards already attained. Implementation - the heart of the matter - could be brought about through political procedures based on intergovernmental cooperation.

12. The reporting procedures, instead of being restricted to reports covering the past period, should be expanded to include prevention of human rights violations through, for example, fact-finding visits by experts to monitor compliance with international commitments, expanded use of special rapporteurs and the establishment of a system of "good offices". The time had come to

(Mr. Szymanski, Poland)

consider the question of emergency humanitarian intervention. In the long term, the international community might wish to use humanitarian intervention to provide a prompt response to situations and enhance coordination within the United Nations system.

13. Poland had actively participated in the preparation of human rights protection standards for minorities within the framework of the Conference on Security and Cooperation in Europe. His Government was committed to observing those standards and expected a similar commitment from other European States. The question of self-determination by nations and peoples was of crucial importance to the international legal and political infrastructure. Internal democracy should be accompanied by democracy in relations between States.

14. In the search for solutions to the problem of migration, it was necessary to reconcile the legitimate interests of States with protection of fundamental human rights. A distinction should be made between an individual's freedom of movement and his right to settle in another country. Preventing large-scale migration required international cooperation and coordination. The issue of migration was related to the implementation of the right to development.

15. The 1993 World Conference on Human Rights should provide an opportunity to work out a long-term international programme for promoting and protecting those rights. In preparation for the Conference, it might be useful to pursue a broad promotional campaign and set up an international information and documentation system. Regional and international systems for protecting human rights should be complementary, and the coordination of those systems should be taken up at the Conference.

The meeting rose at 10.50 a.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
43rd meeting
held on
Monday, 18 November 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

AGENDA ITEM 97: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

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26 November 1991

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 70, A/46/71-E/1991/9, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587, A/46/598-S/23166; A/C.3/46/L.25)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/46/3 (chap. VI, sect. C), A/46/40, 46, 392-395, 490, 503, 618)

1. Mr. FISSENKO (Belarus) said that his delegation supported the United Nations human rights programmes and the activities of the Centre for Human Rights. With the spread of democracy in Belarus, the development of its legislation and the enhanced role of the judicial authorities, his Government sought to ensure that the people were well aware of their rights.

2. The Belarusian United Nations Association, along with scientific and public organizations, had held a seminar in 1990 on human rights and national legislation. It had discussed the need to ensure that national legislation fully reflected international human rights standards. A human rights documentation centre was being set up in his country and all citizens would have access to it.

3. Much remained to be done to ensure that Belarusian legislation fully incorporated all international human rights standards and guaranteed respect for the human rights of all citizens. The various draft laws before the Belarusian Parliament, the criminal code and laws dealing with economic activity were based on the Universal Declaration of Human Rights, the international covenants and other legal instruments. The new constitution would be based on the 1990 Declaration on the State Sovereignty of the Republic.

4. His country was a party to all the United Nations human rights treaties and regularly reported to the treaty-monitoring bodies. Belarus was preparing to accede to the first Optional Protocol to the International Covenant on Civil and Political Rights and to recognize the competence of the Human Rights Committee in accordance with article 41 of the Covenant.

5. Belarus attached great importance to the work of the various human rights monitoring bodies. It welcomed their desire to make their work more relevant to current needs and more open, and it supported increased coordination and exchange of information between them. The idea of setting up a committee resource room and a computerized database was useful. The intention of the treaty bodies to contribute to preparations for the 1993 World Conference on Human Rights should be given allround support.

(Mr. Fissenko, Belarus)

6. His delegation attached particular importance to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. Modern science and technology could be used to counter hunger, disease, poverty and economic backwardness. The relevance of the Declaration had increased over the years and could serve as the basis for further consideration of the question of human rights and scientific and technological progress. The time had come to consider the question of drawing up a treaty on that question. His delegation intended to submit a draft resolution to that effect and would appreciate the support of all the members of the Committee in that regard.

7. Ms. SEMAFUMU (Uganda) said that it was the collective responsibility of Member States to bridge the gap between standard-setting and implementation, which was lagging behind. Implementation must be considered in the context of prevailing political, economic, social and cultural conditions. The global attention given to political and civil rights had not been matched by similar developments regarding economic, social and cultural rights. Genuine commitment was needed to cooperation towards establishing a just international economic order enabling all individuals to live in freedom and dignity in a global community that did not condemn 77 per cent of its population to poverty. United Nations endeavours must recognize the indivisibility of political, civil, economic, social and cultural rights: there could be no first-class or second-class human rights.

8. Her Government supported the Secretary-General's view that the principle of non-interference in the jurisdiction of States could not be regarded as a protective barrier behind which human rights could be violated with impunity, but cautioned against abuse of the principle of respect for human rights where it was used as a pretext for violating Article 2 of the Charter to advance national interests.

9. Her delegation commended the supervisory mechanisms of the United Nations treaty bodies on their efforts to overcome obstacles to effective monitoring. Without prejudice to reporting obligations, it was important to ensure that countries, especially those with limited financial and human resources, were not overburdened. Her delegation therefore welcomed the consolidated guidelines for the initial part of reports of States parties, the reporting manual and the provision of advisory services and technical assistance.

10. Uganda shared the view that attention should be focused on improving the impact of the committees' work at the national level, first of all by making the general public aware of the existence of the international human rights instruments. Greater cooperation between the supervisory mechanisms of the United Nations treaty system and similar regional arrangements would yield results.

11. Her delegation shared the concern expressed regarding the financing of the treaty monitoring bodies. It supported the proposal that the Committee on

(Ms. Semafumu, Uganda)

the Elimination of Racial Discrimination and the Committee against Torture should be funded from the regular budget, in the same way as the other five treaty bodies.

12. The rapid entry into force of the Convention on the Rights of the Child had been a landmark in United Nations human rights activity. She hoped that the Committee on the Rights of the Child would be able to deal with what would inevitably be an enormous workload, given the number of States parties to the Convention. Since its ratification of the Convention in August 1990, Uganda had adopted measures to incorporate the provisions of the Convention into its national legislation. In addition to the rights to survival, protection and development covered by the Convention recommendations by the Child Law Review Committee covered the responsibilities of children to the community. They included the duty to work for family cohesion; to use their abilities for the benefit of the community; to preserve and strengthen cultural values and contribute to society's moral wellbeing; and to preserve and strengthen the independence, national unity and integrity of the country. They also reaffirmed the right of a child to refuse to be subject to, and to protection from, harmful initiation rites or social or traditional practices. A family and children's court was to replace the juvenile court.

13. She hoped that the 1993 World Conference on Human Rights would enhance implementation of existing human rights instruments, taking into account the need for objectivity, respect for international law and universal recognition of the right to development.

14. Mr. TSEPOV (Union of Soviet Socialist Republics) said that, during the cold war, the treaty-monitoring bodies had been arenas for acrid political and ideological disputes on the question of human rights. As a result, many countries had begun to view those bodies as "law-enforcement" groups that infringed on their national sovereignty and independence. Today, such attitudes were still hampering international monitoring.

15. The reports on the implementation of certain international human rights instruments gave rise to concern at the slow pace of efforts to bring about universal accession to the treaties and poor implementation by States parties of their obligations. At the same time, it was encouraging that the international community was giving careful consideration to the reasons for those problems and seeking solutions to them. The statement by the representative of Australia had provided a detailed analysis of the alarming situation with regard to the financing of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. Although his proposed solution - financing the activities of those Committees through the regular budget - was debatable, his basic conclusions provided serious food for thought.

16. The treaty-monitoring bodies had been established in order to help States parties comply with their obligations, not to condemn or punish them. His

(Mr. Tsepov, USSR)

country's path towards the realization of the true purpose of the treaty bodies had not been easy or short. It had only been in 1990 that the Soviet Union had withdrawn its reservations to the six human rights conventions and it had only been in the summer of 1991 that the USSR Supreme Soviet had decided to recognize the competence of the Human Rights Committee under article 41 of the International Covenant on Civil and Political Rights and that of a number of other monitoring committees. It was extremely important to ensure that those decisions were accompanied by the enactment of new domestic legislation. His country firmly believed that cooperation with the monitoring bodies was essential for ensuring maximum respect for the human rights of Soviet citizens. At the recent Moscow meeting of the Conference on Security and Cooperation in Europe, the Soviet delegation had actively promoted the further development of monitoring procedures within the all-European process.

17. He hoped that the upcoming meeting of the persons chairing the treaty bodies and the 1993 World Conference on Human Rights would help to solve the complicated problems relating to the implementation of human rights standards. The Soviet Union agreed on the need to ensure that the development of new human rights standards did not impede the implementation of existing international instruments. The new standards should be elaborated on the basis of existing universal principles so as to ensure their implementation. The treaty-monitoring bodies perhaps best understood whether it was necessary to draw up new instruments or define objective indicators for the implementation of existing ones.

18. Mr. KASOULIDES (Cyprus) said that his delegation attached great importance to the human dimension of the United Nations functions reflected in the major international human rights instruments, and his country's own Constitution contained a code of human rights at least as comprehensive as the most relevant international conventions. The stumbling block, however, was implementation, and it was vital that, at a time of sweeping international changes, attention should be focused on securing universal adherence to, and monitoring compliance with, existing instruments. In that connection, the United Nations should continue its efforts towards improving the efficiency of treaty bodies and overcoming the complications generated by the growth in the treaty system.

19. The ever-expanding role of human rights bodies called for adequate resources. He hoped that States would work together to meet that challenge and he looked forward to the results produced by the establishment of a database. His delegation believed that all human rights bodies should be funded from the regular budget so as to alleviate their financial difficulties.

20. His country had ratified or acceded to the main human rights instruments and its record could be monitored. However, human rights protection in one part of its territory was beyond his Government's control since it was under foreign occupation.

(Mr. Kasoulides, Cyprus)

21. The Human Rights Committee had made significant progress in implementing human rights standards and important work had been accomplished through dialogue and consensus which would benefit individual rights and freedoms.

22. He welcomed the adoption of the Convention on the Rights of the Child, which his country had been one of the first to ratify. The large number of States to have ratified the Convention was a welcome sign of the increased political priority given to that issue. All forms of child exploitation should be universally condemned and subjected to the scrutiny of the newly established Committee on the Rights of the Child.

23. With regard to the elimination of religious intolerance, he pointed out that religious freedom was enshrined in his country's Constitution, which provided for freedom of worship and equality of all religions before the law. He hoped that, if a negotiated solution of the question of Cyprus could be achieved through the good offices of the Secretary-General, all citizens of his country, both Greek Orthodox and Muslim would again be able to profess their faith.

24. In connection with the Second Optional Protocol to the International Covenant on Civil and Political Rights, he pointed out that in his country the death penalty had been abolished except for certain military offences.

25. In conclusion, he said that, with most conflict now occurring within national boundaries, the enhancement of international human rights instruments through enforcement was a vital prerequisite for the existence of a humane international society.

26. Mr. OUDOVENKO (Ukraine) said that, despite the progress made over the years in the human rights field within the United Nations system, much remained to be done. He welcomed the human rights instruments adopted recently, in particular the Convention against Torture, the Convention on the Protection of the Rights of Migrant Workers, the Second Optional Protocol to the Covenant on Civil and Political Rights and the Convention on the Rights of the Child. He looked forward to the 1993 World Conference on Human Rights as an opportunity to give impetus to the implementation of human rights throughout the world and to strengthen the existing legal framework for the protection of human rights. His delegation would cooperate closely with the Preparatory Committee for the Conference.

27. He expressed concern that so many Member States were not yet parties to the international agreements and that many of them had made substantive reservations to those agreements. He urged nations which had not yet done so to become parties and, where appropriate, to withdraw their reservations. He endorsed the call made by the Under-Secretary-General for Human Rights for universal ratification in 1993 of the human rights covenants and the Convention on the Elimination of All Forms of Racial Discrimination, as a first step on the road to a universal culture of human rights.

(Mr. Oudovenko, Ukraine)

28. The first Optional Protocol to the International Covenant on Civil and Political Rights had entered into force in Ukraine in October 1991, while other international treaties such as the 1951 Convention relating to the Status of Refugees and its 1967 Protocol were under consideration.

29. Human rights were a top priority for Ukraine and the proclamation of independence had highlighted the political awareness of his people. In that connection, he referred to the forthcoming referendum on independence and the presidential election, both to be held on 1 December 1991. International observers had been invited for the occasion to ensure that the international community received first-hand information on political developments in the Republic.

30. The Ukrainian Parliament had agreed on a concept for a new constitution based on universal values and international standards for human rights, which, together with appropriate amendments to the existing Constitution, formed the legal basis for newly adopted laws, such as the recent law on citizenship, which contained no restrictions whatsoever on citizens' rights.

31. Referring to the many ethnic minorities living in Ukraine, he pointed out that a policy of political and ethnic tolerance was being followed with the aim of ensuring equal rights with regard to national, religious, cultural and linguistic identity, and he stressed that Russian would continue to enjoy equal rights with other languages.

32. The minorities issue was a sensitive one and was receiving close attention, notably in relations with neighbouring countries such as Hungary and Bulgaria, with which agreements on the question had recently been signed.

33. Although, for the time being, Parliament and the Government were the principal human rights guarantors in Ukraine, the objective was to make people themselves the main guarantor of their rights and freedoms, which was also the ultimate goal of United Nations human rights strategies. He hoped that the establishment in Ukraine of a United Nations centre for documentation and training in human rights would contribute to that goal.

34. With a view to improving coordination of human rights activities within the United Nations system, he supported the introduction of joint meetings of United Nations human rights bodies and the appointment of liaison members in committees to follow work elsewhere. His delegation also supported the recommendations of the meetings of chairpersons of human rights treaty bodies aimed at streamlining reporting procedures and agreed that such meetings should be institutionalized.

35. With regard to the work of the Commission on Human Rights, he considered that the Commission's latest sessions had produced encouraging results and important new international treaties had been developed. To improve cooperation still further, efforts should be made to enhance the universal character of existing international agreements and to improve mechanisms for monitoring their implementation.

(Mr. Oudovenko, Ukraine)

36. He reminded the Committee that his delegation had initiated a draft resolution on non-discrimination and protection of minorities and it would present its position in detail during the discussions on item 98 (b).

37. Mr. COSTA FILHO (Brazil) said that the growing prevalence of democracy had increased the importance of promoting human rights, which must be tackled first and foremost nationally, through legislation and enforcement, supported by global efforts in the framework of the international human rights instruments. Brazil attached particular importance to the functioning of the bodies created within that framework, and it was time to consider long-term solutions to their financial difficulties. Brazil was a party to a number of the international human rights conventions and hoped shortly to become a party to other such instruments, in particular the two human rights covenants.

38. His Government attached particular importance to the Convention on the Rights of the Child and in 1990 had adopted a number of legislative and other measures to implement it. During the current year, it had instituted a national plan of action to combat violence against children and adolescents, with State commissions for its implementation. It had also launched a wide-ranging programme for the construction of integrated centres for the support of the child - the first was already operating in Brasilia - to meet the educational, health and other requirements of children and the social needs of their families.

39. The national reports to be submitted to the treaty-monitoring bodies were a key aspect of implementation, and Brazil therefore welcomed the reporting manual published by the Centre for Human Rights and the United Nations Institute for Training and Research (UNITAR).

40. Ms. COOMBS (New Zealand) said that her country placed great importance on its commitment to international human rights instruments. It had been the first country to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and was currently considering ratification of the Convention on the Rights of the Child. However, although human rights instruments were very important in setting standards, the main focus must be implementation and she welcomed the priority now being given to that matter by the United Nations system.

41. The draft declaration on indigenous rights was of particular importance both to her Government and to the indigenous Maori people. The views of indigenous people must be taken into account and in that connection her Government had contributed to the United Nations Voluntary Fund for Indigenous Populations to help representatives of indigenous peoples attend the sessions of the Working Group responsible for drafting the declaration. It had consulted the Maori during the early stages of the drafting and would do so again. Her country would continue to participate in drafting the declaration, which, once adopted by the General Assembly, should bring to an end the United Nations work on standard-setting in human rights.

(Ms. Coombs, New Zealand)

42. Commenting on the Convention on the Elimination of All Forms of Discrimination against Women, she welcomed the fact that there were 110 States parties to the Convention, making it one of the most widely adopted human rights instruments. However, discrimination against women persisted in every part of the world and priority should be given to combating such discrimination, which represented a major human rights violation. The Convention and its monitoring committee should be placed on an equal footing with the other human rights instruments and bodies. That Committee could make a valuable contribution in many areas through greater dialogue with the Commission on the Status of Women and other treaty bodies and also through its input to the 1993 World Conference on Human Rights and the forthcoming United Nations Conference on Environment and Development.

43. In order to function effectively, however, that Committee needed more support. The Secretary-General had given assurances that provision would be made in the next biennium, and she hoped that a detailed analysis of its current and projected workload would be provided so that the adequacy of the 1992-1993 budget proposals could be verified, bearing in mind the importance of the Committee's work.

44. As to the other treaty bodies facing serious funding problems, particularly the Committee on the Elimination of Racial Discrimination and the Committee against Torture, she noted that their funding mechanisms were simply not working. Clearly, States parties not meeting their obligations were responsible, but the situation was now so grave that other options must be considered. The chairpersons of the human rights treaty bodies had themselves recommended that the General Assembly should take steps to finance the Committees from the regular budget, and that option must now be explored.

45. The treaty bodies played an important role in helping States parties to implement human rights instruments, and innovations such as the guidelines, reporting manual and computerized database were all useful. Further thought should be given to ways of enhancing the impact of the treaty bodies at the national level. In that respect, technical training and assistance were valuable and she welcomed the fact that the United Nations had begun to include the South Pacific region in its programme of advisory services. Seminars on the human rights treaties had been held the previous year in Manila and the Cook Islands, which had also hosted a symposium on the Convention on the Elimination of All Forms of Discrimination against Women, sponsored by her own country and Australia. The regional approach should be encouraged, and she hoped that the relevant United Nations agencies would continue to develop links with the many small island nations in the South Pacific region.

46. The 1993 World Conference on Human Rights would provide an opportunity to reaffirm the collective commitment to the implementation of the human rights treaties and the common goal of the universal accession to and application of the human rights instruments.

47. Mr. DEKÁNY (Hungary) said that the current scope of United Nations activities provided strong evidence that the promotion of respect for human rights and fundamental freedoms was one of the highest priorities of the Organization, although that would not appear to be so when one looked into United Nations priorities as contained in administrative and budgetary arrangements.

48. The attainment of universality for the major international human rights instruments was of primary importance not only in ensuring the basic rights of every individual in an increasingly interdependent world but also in shaping a common vision of the role of human rights in the future of mankind.

49. The whole Central and Eastern European region was still in transition but demonstrated clearly that respect for human rights went hand in hand with democracy. Experience had shown that human rights problems were persisting in the region where democracy was still suffering setbacks and where human rights therefore ranked low among governmental priorities. Adherence to and thorough compliance with international human rights instruments must remain high on the political agenda in the region. Hungary was party to all major human rights instruments; in September 1991 Parliament had ratified the Convention on the Rights of the Child. It had also recognized the competence of all relevant treaty bodies to consider complaints under the various human rights instruments.

50. The United Nations had accomplished formidable standard-setting work. As for future standard-setting, his delegation shared the concerns about possible proliferation of standards or weakening of universal human rights principles, as that would erode the levels of actual protection. The guidelines contained in General Assembly resolution 41/120 were intended to ensure normative consistency and to focus attention on those areas where drawing up international instruments was truly warranted. Codification into international law could not and should not be the aim of every United Nations standard-setting activity.

51. Recent events had demonstrated that the protection of minorities, whether national, ethnic, linguistic or religious, was one of the most urgent and challenging tasks ahead. His delegation welcomed the progress achieved in elaborating the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and hoped that the Commission on Human Rights would be able to forward the draft declaration for adoption by the General Assembly as soon as possible. His delegation also welcomed the increased interest shown by the human rights treaty bodies, particularly the Committee on the Elimination of Racial Discrimination and the Human Rights Committee in providing growing jurisprudence on the implementation of those treaty provisions which had direct relevance to minorities.

52. His delegation strongly believed that a thorough reconsideration and subsequent withdrawal of reservations was one of the key elements in enhancing treaty implementation and would send a positive signal about the commitment of

(Mr. Dékány, Hungary)

Governments to the cause of human rights. The timely fulfilment of reporting obligations, the regular payment of financial contributions under the relevant treaty provisions and adequate staffing and servicing facilities were essential for the effective performance of the functions assigned to the treaty bodies. His delegation concurred with the view that both short- and long-term solutions should be found in order to ensure a sound financial basis for the smooth functioning of the treaty bodies, particularly the Committee on the Elimination of Racial Discrimination and the Committee against Torture, and stood ready to contribute to finding a solution. In that context, his delegation deemed it essential that the Centre for Human Rights, given its increased workload, should be provided with adequate additional staff and resources.

53. The work of the human rights treaty bodies was a core element of the common endeavour to ensure full compliance with treaty obligations. The general comments on the specific treaty articles were not only helpful for Governments when submitting their reports but also had an impact on contemporary legal thought. His delegation commended the Human Rights Committee for having acted in a responsible manner and for having dealt with overdue country reports when so warranted by massive and flagrant violations of the provisions of the Covenant. Iraq and Yugoslavia were cases in point. The working relationship between the treaty bodies and the Subcommission as well as the appointment of thematic and, eventually, country rapporteurs of the Commission on Human Rights deserved further encouragement and his delegation hoped that the planned installation of the computerized database at the Centre would further stimulate those developments. His delegation also welcomed proposals for future regular meetings of the chairpersons of treaty bodies. The experience of the treaty bodies would be invaluable during preparations for the 1993 World Conference on Human Rights and in the course of the Conference itself.

54. In conclusion, his delegation wished to emphasize that hate and intolerance based on religion, national or ethnic origin must not be permitted to influence national and indirectly global governance. Implementation of the provisions of the human rights instruments in order to combat that menace represented a legal obligation, a political commitment and a moral challenge, all of which must be met.

55. Mr. Kee Bock SHIN (Republic of Korea) said that his country was a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its first Optional Protocol and would take every possible step to implement them. His Government welcomed the entry into force of the Convention on the Rights of the Child and other initiatives in respect of vulnerable groups, but emphasized that improving the effectiveness of existing human rights instruments would provide more substantial and immediate results.

(Mr. Kee Bock Shin, Republic of Korea)

56. The 1988 edition of Human Rights: A Compilation of International Instruments contained no fewer than 67 such instruments, and the General Assembly had expressed concern at the disparity between existing guidelines and the actual situation of human rights throughout the world. His delegation believed that a truly universal system based on the existing instruments would be an important way of ensuring their implementation. More than 60 States were still not parties to the two International Covenants, and his delegation called upon those States which had not yet done so to ratify or accede to them. Responsibility for the effectiveness of international human rights instruments rested with the international community.

57. Timely reporting to the treaty bodies was a fundamental responsibility of States parties. His Government welcomed the new initiative taken by the Committee on Economic, Social and Cultural Rights at its fifth session on the non-submission of reports, but understood, from its own experience, that technical difficulties could sometimes cause delay in submission. His delegation commended the Centre for Human Rights and UNITAR for their valuable reporting manual and suggested that advisory services and technical assistance for drafting reports should be reinforced. It welcomed Commission on Human Rights resolution 1991/20, which endorsed efforts to strengthen and rationalize reporting procedures.

58. With regard to the problem of overlapping of treaties and the work of treaty bodies, that could be reduced if each Committee concentrated on the subjects within the mandate of the relevant treaty. In that connection, his delegation attached great importance to the meetings of persons chairing the human rights treaty bodies and supported the view that they should be provided with adequate staffing and should meet regularly. It was important to remember, however, that the objective was not a successful review but the successful implementation of the recommendations of the review. Reviews would be futile if opinions and suggestions failed to be translated into changes in policy and legislation. To that end, adequate follow-up was essential. The subject should be taken up as a priority at the 1993 World Conference on Human Rights.

59. He emphasized the valuable role of non-governmental organizations in the protection and promotion of human rights, as the bridge between individuals and institutions. They were well placed for promoting public awareness and their full participation should be encouraged.

60. His Government had ratified the Convention on the Rights of the Child in October 1991 and had presented its candidacy as a member of the Commission on Human Rights in the elections to be held in 1992.

61. Mr. SWEPSTON (International Labour Organisation (ILO)) said that his organization submitted regular reports to several of the human rights monitoring committees regarding the implementation by States of the ILO conventions they had ratified. ILO had also been working with the Committee on the Rights of the Child and had expressed its willingness to contribute to the implementation of the Convention on that issue. It also stood ready to

(Mr. Swepston, ILO)

make a similar contribution to the implementation of the Convention on the Rights of Migrant Workers once it entered into force. ILO had also worked alongside United Nations bodies which considered more general questions of human rights, including the Commission on Human Rights, its Subcommission and the working groups of the Subcommission. It had also cooperated with United Nations bodies that were considering the adoption of human rights instruments on which the mandate of ILO coincided with that of the United Nations.

62. ILO was vitally interested in the work of the United Nations treaty bodies and other human rights bodies. In the area of economic, social and cultural rights, there were more than 75 ILO conventions whose application was relevant to the implementation of articles 6 to 10 of the International Covenant on Economic, Social and Cultural Rights. During the first session of the Committee on the Rights of the Child, ILO had identified some 57 ILO conventions whose provisions intersected, to a greater or lesser degree, with the requirements of some 15 articles of the Convention.

63. It was evident that the two organizations must work closely together to achieve their common aims. That was ensured in part by the participation of ILO in the drafting of United Nations instruments in the same way as the United Nations sometimes took part in the drafting of ILO instruments. The adoption of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) had been accomplished with the participation of the United Nations Centre for Human Rights and that of several other specialized agencies, which complemented the long participation of ILO in the activities of the Working Group on Indigenous Populations. Now that the ILO Convention had entered into force, his organization would shortly be contacting the United Nations in order to discuss United Nations participation in supervising the implementation of the ILO Convention. ILO had also been participating in the work being done on the draft declaration on indigenous rights.

64. ILO had participated actively in the first session of the Preparatory Committee for the World Conference on Human Rights and would continue that participation. ILO had two major concerns about the preparatory process. The first was to emphasize that, in the human rights field, the United Nations system must find ways of associating all parts of the system in the definition and achievement of the human rights which all parts of the system held dear. That meant overcoming divergencies between different organizations and improving communications. It also meant taking explicit account of the normative instruments each part of the system had adopted.

65. The second major concern of ILO was the relation between the objectives set in human rights instruments and the operational work needed to be done through the various technical cooperation programmes. ILO had given considerable attention to that subject but had not yet found a fully satisfactory conceptual approach. The Director-General and the deliberative bodies of ILO had recognized the close link between ILO's technical cooperation activities and standards and ILO hoped that the World Conference would give close attention to that subject.

66. The CHAIRMAN announced that the Committee had concluded its consideration of item 98 (a).

AGENDA ITEM 97: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

Introduction of draft resolutions (A/C.3/46/L.27-L.30)

67. Mr. KRENKEL (Austria), introducing, on behalf of the sponsors, draft resolution A/C.3/46/L.27 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, said that the Economic and Social Council had adopted resolutions on the issue at its spring and summer sessions and that the Permanent Representatives of Ethiopia and Hungary had addressed notes verbales on the subject to the Secretary-General.

68. The draft resolution was of a purely procedural nature. He said that in paragraph 2 the word "regular" should be replaced by "resumed organizational". The sponsors hoped that the draft resolution would be adopted without a vote.

69. Mr. SKIBSTED (Denmark), introducing, on behalf of the sponsors, draft resolution A/C.3/46/L.28 on the Office of the United Nations High Commissioner for Refugees, said that the draft resolution must be viewed against the background of a year marked not only by new refugee situations but also by new opportunities to resolve many long-standing refugee situations, especially through voluntary repatriation. The draft resolution should also be seen in the light of the High Commissioner's strategic plan, comprising first, an improvement of UNHCR's emergency preparedness and response mechanism; second, the pursuit of every opportunity for voluntary repatriation; and, third, the promotion of durable solutions through preventive measures.

70. He reviewed the main provisions of the draft resolution, which were based primarily on the corresponding resolution adopted at the forty-fifth session and on the conclusions adopted recently by the Executive Committee of UNHCR. He expressed the hope that the draft resolution would be adopted without a vote.

71. Miss GARCIA GRANADOS (Guatemala), introducing, on behalf of the sponsors, draft resolution A/C.3/46/L.29 on the International Conference on Central American Refugees, said that Argentina and Cyprus had also become sponsors. She reviewed the main provisions of the draft resolution and expressed the hope that it would be adopted without a vote.

72. Mr. KRENKEL (Austria), introducing draft resolution A/C.3/46/L.30 on behalf of the sponsors, said that they had been joined by Algeria, Bangladesh, Finland, Ireland, Malawi, Nigeria, Portugal, Senegal, Spain and Zimbabwe. The draft resolution, which concerned assistance to refugees, returnees and

(Mr. Krenkel, Austria)

displaced persons in Africa, was being submitted in the form of a consolidated text incorporating various aspects of the African refugee issue, each of which at previous sessions had been the subject of a separate resolution.

73. He drew attention to several corrections to paragraph 11, and expressed the hope that the draft resolution would be adopted without a vote.

The meeting rose at 5.15 p.m.